

**REMARKS**

Previous Election of Species

Previously, applicant elected Species 3, consisting of Figure 4 (identified as a third embodiment).

Amendments

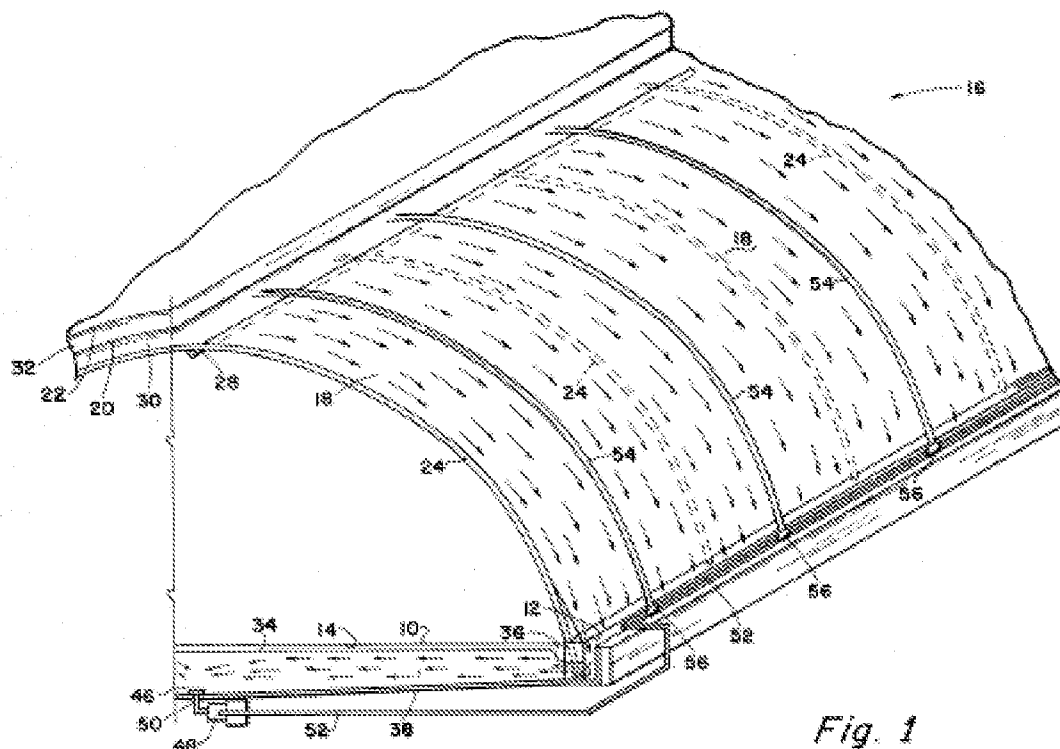
Claim 1 has been amended, only as to form to improve readability. New claims have been added, which claims read on the elected Species 3, Figure 4. No new matter is entered by these amendments.

Claim Rejections - 35 USC § 103

Claims 1 and 8-12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Whitcomb (US4173212) in view of Lipinski (US4067347).

Claim 1 recites a partition having an external and an internal translucent separation walls (located a distance of at least about five millimetres apart), means for moving a liquid between said separation walls, said means comprising liquid dispensing nozzles arranged to provide a liquid film that moves over the internal separation wall with a thermal insulating space being present between the liquid film and the external separation wall. The external separation wall is installed permanently and the internal separation wall is removable from the partition.

The rejection states that Whitcomb teaches a partition for separating two areas, an outer area and an inner area (citing to Figure 1).



The rejection states that Whitcomb teaches the partition comprising the two translucent separation walls (ref 18, 22) (Column 2 lines 23-33), and also discloses a means are provided for moving a liquid (ref 48) between said separation walls, said means comprising liquid dispensing nozzles (ref 54, i.e., the ends of perforated hoses 54) arranged to provide a liquid film (Column 1 line 65 to Column 2 line 6; Column 3 lines 14-26; Column 3 line 64 to Column 4 line 11).

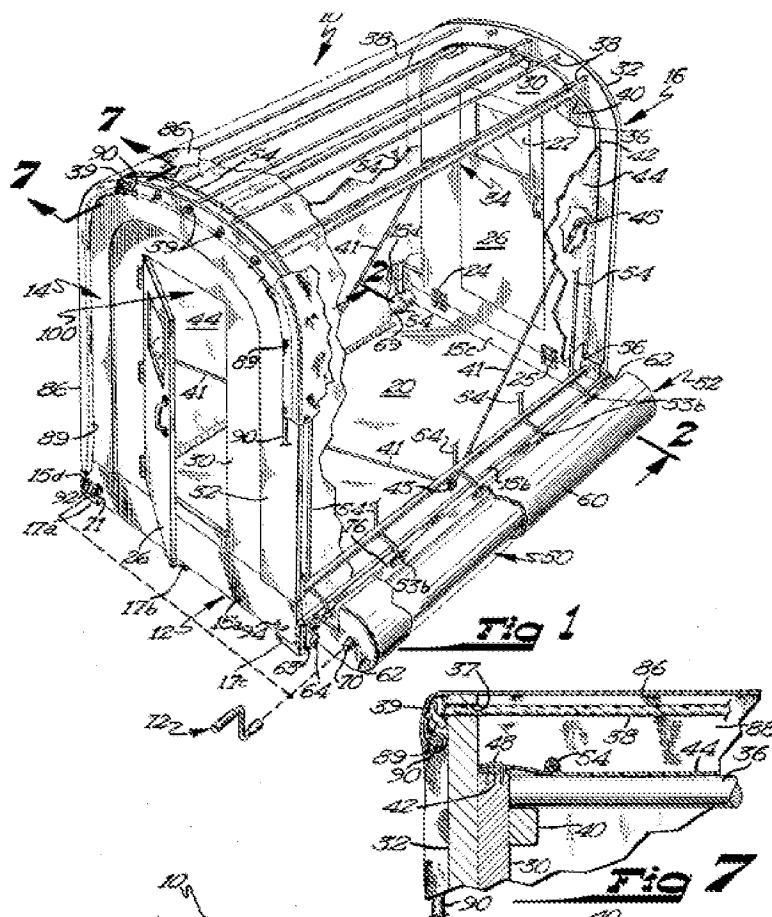
The rejection states that Whitcomb teaches that the two panels are spaced apart and that spacers can be utilized to accomplish this (Column 2 lines 42-51) but fails to specifically teach that the two panels are at least five millimeters apart. However, the rejection argues that it would have been obvious to one having ordinary skill in the art at the time the invention was made to space the two panels about five millimeters apart, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

The rejection states that Whitcomb teaches that one separation wall is permanent and that an additional wall can be added for increased heat transfer efficiency but Whitcomb **fails to teach** said external separation wall is installed permanently and said internal separation wall is removable.

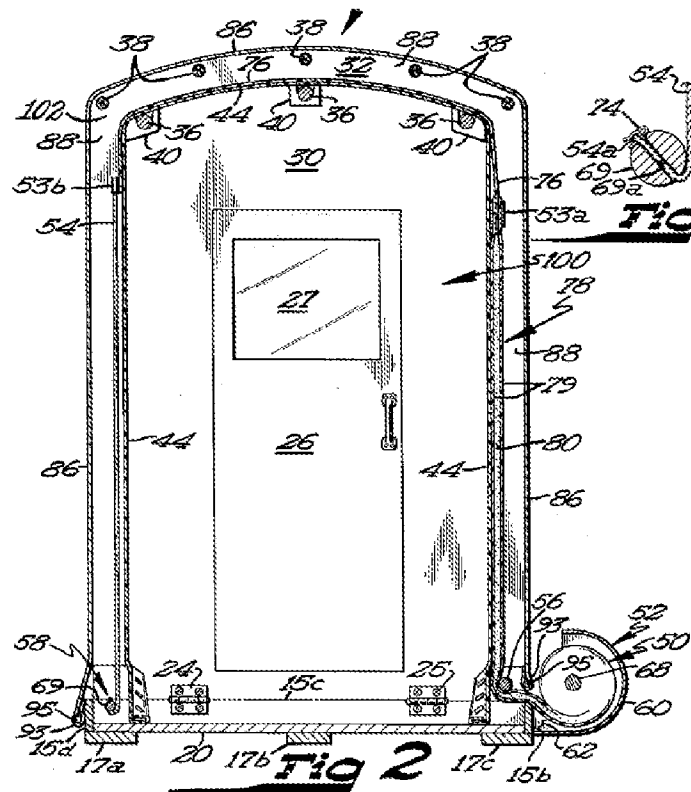
However, the rejection states that Lipinski teaches an external separation wall (ref 86) is installed permanently (Column 5 lines 63-68; Column 6 lines 10-15) and an internal separation wall (ref 50) is removable (Column 4 lines 44-66). In view of Lipinski's teachings, the rejection states that it would have been obvious to one of ordinary skill in the art to make the external wall of Whitcomb permanent since that provides the predictable and expected result of structural rigidity; while making the internal separation wall of Whitcomb removable allows for the predictable and expected result of selective heat transfer when additional conditioning of the space as necessary.

Applicant respectfully disagrees. Lipinski teaches permanent inner and outer walls (44, 86) with a moveable sun screen (50) therebetween.

In Lipinski, reference 44 is the permanent innermost, transparent first roof layer and reference 86 is an outermost, translucent third roof layer supported by roops 38. Reference 50 is a second, flexible roof layer supported by roops 38. Reference 50 is a second, flexible roof layer stored within spool 52 and when in position, located between layers 44 and 86.



Roof layer 50 may be deployed in a position immediately overlying the first roof layer 44. Roof 50 comprises a sunshade segment 76 (first portion) to be positioned over the top of the enclosure. Roof 50 further comprises a second portion 78 comprised of spaced apart clear layers 79 and intermediate heat insulation layer 80, e.g., of fiberglass.



Thus, in Lipinski, reference 50 is not the other of said separation walls that is an internal separation wall in contact with said inner area. Reference 44 is the other of said separation walls that is an internal separation wall in contact with said inner area. Reference 44 is permanent, and there is no

teaching or suggestion to have reference 44 be removable the solar heated shelter of Lipinski.

If one of skill were to consider the teachings of Lipinski, then Whitcomb would be modified to include a retractable sunshade located between permanent internal and external walls.

Accordingly, the invention of claim 1 would not result. Reconsideration and allowance of claim 1, and the claims depending from therefrom are respectfully requested. Rejoinder of the withdrawn claims and their allowance is solicited.

Further, the applied art does not render obvious the new claims.

The fair combination of Whitcomb and Lipinski would not teach the features recited by new claims 22-27, e.g.,

- a partition comprising a permanent translucent external separation wall and a removable translucent internal separation wall, a frame where the frame contains a liquid supply (as recited) and a liquid discharge contained in said bottom frame and running along the length of said bottom frame element and configured to collect the liquid of the liquid film moving off the internal separation wall for return to the liquid supply.

- a fixing attached to said liquid discharge, wherein, said internal separation wall is comprised of i) a roll-up film, and ii) a roller construction connected to said roll-up film for rolling up and unrolling the roll-up film, the liquid supply is arranged so that the liquid discharge nozzles discharge the

liquid on said roll-up film so that the liquid film moves down said roll-up film toward said liquid discharge for collection, and where said internal separation wall is configured to be rolled up by moving said roller construction toward said fixing, and said internal separation wall is further configured to be unrolled by moving said roller construction away from said fixing.

- said bottom frame comprises a gutter serving as said liquid discharge, said gutter collecting the liquid of the liquid film moving off the removable internal separation wall for return to the liquid supply.

- said bottom frame comprises a gutter serving as said liquid discharge, said gutter collecting the liquid of the liquid film moving off the internal separation wall for return to the liquid supply, said external separation walls connected to an upper portion of said gutter, said internal separation walls connected to a lower portion of said gutter, said gutter comprised of i) cover, ii) an opening in the cover to capture rain water, iii) an upper channel for removing the captured rainwater, iv) further openings located below the upper channel, the further openings for collecting the liquid of the liquid film moving off the internal separation walls, v) a further channel for removing the collected liquid moving off the internal separation walls, said internal separation walls being connected

to the lower portion of said gutter at a position below said further openings.

- wherein said gutter further comprises vi) a still further channel, located above said further channel, for collecting condensation from an inside facing side of the internal separation walls.

Accordingly, reconsideration and allowance of these claims is also solicited.

#### Summary

This response is believed to be fully responsive and to put the case in condition for allowance. Entry of the amendment, and an early and favorable action on the merits, are earnestly requested. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Should there be any matters that need to be resolved in the present application; the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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